IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 2576 of 2005**

Between:

B.V.Ramanaiah, S/o Chinnaiah,

Fair Price Shop Dealer,

R/o Mogallagunta, Kothapalem,

Chilakur Mandal, Nellore District.

**..... PETITIONER**

AND

1. The Joint Collector,

Nellore District.

2. The Revenue Divisional Officer,

Gudur, Nellore District.

3. The Mandal Revenue Officer,

Chilakur Mandal,

Nellore District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, declaring the impugned Show Cause Notice cum Suspension order in Rc.C.238/2005, Dt.7.2.2005 issued by the 2nd respondent as illegal, arbitrary, malafide and violative of principles of Natural justice and set aside the same and consequentially direct the respondent to continue the petitioner as Fair Price Shop Dealer of Mogallagunta Kothapalem village, Chillakuru Mandal, Nellore District.

**Counsel for the Petitioner: MR.N.CHANDRAIH NAIDU**
**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court at the admission stage made the following :**

**ORDER:**

The 2nd respondent suspended the authorization of the petitioner through a show cause notice – cum- suspension order, dated 07.02.2005. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. His complaint is that no orders have been passed by the 1st respondent in the stay application and in the meanwhile, the distribution of essential commodities for this month is likely to be entrusted to third parties.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Though the learned counsel for the petitioner had made elaborate submissions on the merits, this Court is not inclined to deal with the same at this stage. The petitioner availed the remedy of appeal under Clause 20 of the A.P.State Public Distribution System Control Order, 2001. The 1st respondent is conferred with the power to grant interim orders. The delay in consideration of the stay application may defeat the very purpose of preferring the appeal, particularly when it is preferred against the order of suspension.

For the foregoing reasons, the writ petition is disposed of, directing that-

a. The 1st respondent shall consider and pass appropriate orders in the application for stay filed by the petitioner, within two weeks from the date of receipt of a copy of this order.

b. In case no orders are passed within that time, the order of suspension against the petitioner shall remain stayed and the petitioner shall be entitled to function as dealer.

There shall be no order as to costs.

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15.02.2005

Note: Issue C.C. in two days.

(B/o)

**Jsu**

To

1. The Joint Collector,

Nellore District.

2. The Revenue Divisional Officer,

Gudur, Nellore District.

3. The Mandal Revenue Officer,

Chilakur Mandal,

Nellore District.

4 Two CCs to the GP FOR CIVIL SUPPLIES,

High Court Buildings, Hyderabad (O.U.T.)

5 2 CD copies